

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
FIRST APPEAL NO.403 OF 2001
WITH
CROSS-OBJECTION STAMP NO.33473 OF 2001
IN
FIRST APPEAL NO.403 OF 2001
ALONG WITH
FIRST APPEAL NO.404 OF 2001
WITH
CROSS-OBJECTION STAMP NO.22802 OF 2010
IN
FIRST APPEAL NO.404 OF 2001

F.A.NO.403 OF 2001
WITH
CROSS-OBJECTION ST.NO.33473 OF 2001

The State of Maharashtra.)
(Through the Special Land Acquisition)
Officer, Metro Centre No.5, Panvel.) .. Appellant

Vs

Shri Changa Kana Thakur,)
Since deceased through his Legal Heirs :-)

1. Bhagubai Changu Thakur,)
Wife, 75 years,)
2. Shri Ram Changu Thakur,)
Son, 59 years,)
3. Shridhar Changu Thakur,)
Son, 55 years,)
4. Krishna Changu Thakur,)
Son, 45 years,)
5. Bharat Changu Thakur,)
Son, 40 years,)

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|----|--------------------------------|-----|-------------|
| 6. | Smt. Anusaya Pandurang Waskar, |) | |
| | Daughter, 53 years, |) | |
| 7. | Smt. Radhabai Mahadev Thakur, |) | |
| | Daughter, 51 years, |) | |
| 8. | Smt. Chandraprabha Ram Gharat, |) | |
| | Daughter, 39 years, |) | |
| 9. | Smt. Ratnaprabha Arun Gharat, |) | |
| | Daughter, 37 years, |) | |
| | All Residing at Bambawi, |) | |
| | Taluka – Panvel, Dist. Raigad. |).. | Respondents |

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F.A.NO.404 OF 2001
WITH
CROSS-OBJECTION ST. NO.22802 OF 2010

The State of Maharashtra.	)	
(Through the Special Land Acquisition	)	
Officer, Metro Centre No.5, Panvel.	)	.. Appellant

Vs

Shri Changa Kana Thakur,	)
Since deceased through his Legal Heirs :-	)
1. Shri Ram Changu Thakur,	)
Son, 53 years,	)
2. Shridhar Changu Thakur,	)
Son, 51 years,	)
3. Krishna Changu Thakur,	)
Son, 42 years,	)
4. Bharat Changu Thakur,	)
Son, 38 years,	)

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|----|--------------------------------|-----|-------------|
| 5. | Smt. Anusaya Pandurang Waskar, |) | |
| | Daughter, 47 years, |) | |
| 6. | Smt. Radhabai Mahadev Thakur, |) | |
| | Daughter, 45 years, |) | |
| 7. | Smt. Chandraprabha Ram Gharat, |) | |
| | Daughter, 36 years, |) | |
| 8. | Smt. Ratnaprabha Arun Gharat, |) | |
| | Daughter, 34 years, |) | |
| 9. | Bhagubai Changu Thakur, |) | |
| | Wife, 73 years, |) | |
| | All R/o. Bambawi, |) | |
| | Taluka – Panvel, Dist. Raigad. |).. | Respondents |

CORAM : A.S. OKA & REVATI MOHITE DERE, JJ

DATE ON WHICH SUBMISSIONS WERE HEARD : 24TH JULY 2015

DATE ON WHICH JUDGMENT IS PRONOUNCED: 23RD OCTOBER 2015

JUDGMENT (PER A.S. OKA, J)

1. These Appeals can be conveniently disposed of by a common judgment. The Land Acquisition Reference Nos.214 of 1990 and 255 of 1990 under Section 18 of the Land Acquisition Act, 1894 (for short “the said Act”) were decided by a common judgment and order dated 25th March 1997. The subject matter of the Land Acquisition Reference No.214 of 1990 is the land bearing Survey No.65, Hissa No.1 (Part) totally admeasuring 20 Ares. The lands subject matter

of the Land Acquisition Reference No.255 of 1990 were bearing Hissa Nos. 1 and 2 of Survey No.9 admeasuring 67 Ares and 62 Ares, respectively. The lands subject matter of both the Appeals are situated at village Bambavi, Taluka – Panvel, District – Raigad. The notification under Sub-section (1) of Section 4 of the said Act in respect of the acquired lands was issued on 24th September 1986. The acquisition was for the purposes of setting up a new town of Navi Mumbai. The Award under Section 11 of the said Act was made on 16th September 1989. The compensation offered was not accepted by the Claimants and at their instance, the aforesaid two References under Section 18 of the said Act were made in which the market value was claimed at the rate of Rs.500/- per sq. meter. By the impugned judgment and award, the market value has been fixed at the rate of Rs.100/- per sq. meter.

2. The First Appeal No.403 of 2001 has been preferred for challenging the judgment and award in Land Acquisition Reference No.214 of 1990. The First Appeal No.404 of 2001 has been preferred for challenging the judgment and award in Land Acquisition Reference No.255 of 1990. In both the Appeals, there are Cross Objections filed. The market value at the rate of Rs.4,600/- per sq. meter has been claimed in both the Cross Objections.

3. The learned AGP in support of both the Appeals contended that the Claimants have not discharged their burden of proving that the market value awarded by way of awards under Section 11 of the said Act was inadequate. He urged that no comparable sale instances have been produced by the Claimants in support of their claim. He pointed out that the Claimants are relying upon the sale instances in the form of agreements to lease executed by the City Industrial and Development Corporation of Maharashtra Limited (CIDCO) which are in respect of the developed plots of land situated away from the village Bambavi, Taluka – Panvel, District – Raigad. The sale instances are in respect of the lands in the developed area in New Panvel and the Central Business District in Navi Mumbai. On the other hand, he pointed out that as on the relevant date i.e. 24th September 1986, there was hardly any development in the village Bambavi. He pointed out that both the lands subject matter of the References are land-locked lands. He pointed out that it cannot be said that the lands subject matter of the acquisition had any potentiality for non-agricultural use. He urged that the market value of Rs.100/- per sq. meter fixed by the Reference Court is based on mere conjectures and surmises. He submitted that the finding as regards the market value is based on no evidence.

4. The learned senior counsel appearing for the Claimants submitted that the lands forming part of 96 villages in Taluka Panvel,

District Raigad and Taluka Thane, District Thane, were firstly notified on 3rd February 1970 under Sub-section (1) of Section 4 of the said Act for the purposes of setting up city of Navi Mumbai. He pointed out that thereafter, there was overall phase wise development in the said villages. He urged that by the year 1986, there was overall development in the city of Navi Mumbai. He pointed out that considering the overall development, in case of acquired lands which were notified under the same notification dated 24th September 1986 situated at the village Roadpali in Taluka Panvel, District – Raigad, a Division Bench of this Court fixed the market value at the rate of Rs.1,725/- per sq. meter which was affirmed by the Apex Court. He urged that the Apex Court fixed the market value of the acquired lands at village Roadpali notified under Sub-section (1) of Section 4 of the said Act on 3rd February 1970 at rate of Rs.25/- per sq. meters. He pointed out that similarly, the Apex Court fixed the market value of the acquired lands notified under Sub-section (1) of Section 4 of the said Act on 3rd February 1970 situated in the village Wadghar at the rate of Rs.25/- per sq. meter. He pointed out that a Division Bench of this Court in First Appeal No.1310 of 2005 and other connected First Appeals, by the judgment and order dated 2nd and 6th July 2015 fixed the market value of the lands at village Wadghar notified under the same notification dated 24th September 1986 at Rs.1,725/- per sq. meter. He urged that this shows the upward trend of the market value fixed in respect of the lands notified on 24th

September 1986 as compared to the market value prevailing on 3rd February 1970. He urged that therefore, the Claimants are entitled to the market value of much more than Rs.1,000/- per sq. meter.

5. We have given careful consideration to the submissions. Late in 1960s, the State Government took a decision to set up a satellite city of Navi Mumbai with a view to reduce the congestion in the city of Mumbai. On 3rd February 1970, the State Government issued a notification under Sub-section (1) of Section 4 of the said Act notifying various lands for acquisition for the purpose of setting up twin city of New Bombay. The said notification was in relation to large tracts of lands situated in 96 villages forming a part of Taluka Panvel, District Raigad and Taluka Thane, District Thane. Thereafter, there were further acquisitions in relation to the same villages for the same purpose. Major acquisitions were made subsequently under the aforesaid notification dated 24th September 1986 under subsection (1) of section 4 of the said Act.

6. It is not in dispute that the lands in the village Bambavi were notified for the purposes of Navi Mumbai Project under both notifications. The purpose of acquisition, as stated earlier, was setting up a satellite City of Navi Mumbai with a view to reduce the congestion in the City of Mumbai. It will be necessary to consider what is held by the Apex Court in the case of *Avinash Dhavaji Naik v. State of*

*Maharashtra*¹. The Apex Court dealt with the issue of determination of the market value in relation to the village Vahal in Taluka Panvel, District Raigad which was notified for the under Sub-section (1) of Section 4 of the said Act. Referring to the development in the City of Mumbai, in Paragraph 15, the Apex Court observed thus:-

“15 In a case of this nature the Court may proceed on the presumption that such a vast tract of land viz. 96 villages were sought to be acquired at the same time for construction of New Bombay. We are not unmindful of the fact that development in the entire area was not possible at one point of time. Development of the area must have taken place in phases. **We are also not unmindful of the fact that the price of land may skyrocket depending upon the development as also future potentiality.**”
(emphasis added)

7. In the case of *Nama Padu Hudar v. State of Maharashtra*², this Court was dealing with the market value of the lands at villages Kamothe and Panvel acquired on the basis of the notification dated 3rd February 1970 for the same public purpose. The Division Bench observed that the industrial growth in and around this area started in rapid strides, right from the year 1965 onwards. The Apex Court in the case of *Sabha Mohammed Yusuf Abdul Hamid Mulla (since deceased through LRs) v. Special Land Acquisition Officer*³ quoted the aforesaid portion of the decision of the Division

1 (2009)11 SCC 171

2 (1993)3 Bom C.R. 54

3 (2012)7 SCC 595

Bench of this Court in the case of *Nama Padu Hudar* with approval. The Apex Court was dealing with the land situated at village Roadpali, Taluka – Panvel, District – Raigad. In the said decision in the case of *Sabhia Mohammed Yusuf Abdul Hamid Mulla (since deceased through Lrs.)*, the land was notified for the same public purpose on 3rd February 1970. The Apex Court fixed the market value of the acquired land in the village Roadpali at Rs.25/- per sq. meter. The Apex Court dealt with the market value of the land at village Wadghar, Taluka Panvel, District Raigad which was notified under Sub-section (1) of Section 4 of the said Act on 3rd February 1970 for the same public purpose. The issue arose before the Apex Court in the case of *Ambaji Dharma Pardeshi and Others v. State of Maharashtra*⁴. Based on its earlier decision in the case of *Sabhia Mohammed*, the Apex Court fixed the market value of the acquired land at village Wadghar at Rs.25/- per sq. meter as of 3rd February 1970. We must note here that a Division Bench of this Court in the case of the *State of Maharashtra v. Trimbak Joma Thakur (since deceased through LRs)*⁵ fixed the market value of the land at village Roadpali, Taluka – Panvel, District – Raigad notified for the same public purpose under Sub-section (1) of Section 4 of the said Act on 24th September 1986 at Rs.1,725/- per sq. meter. Following this decision, in the case of *State of Maharashtra v. Shankar Vitthal Gulave D/H Sangram S. Gulave and Another*⁶, this Court fixed the

4 In Civil Appeal Nos.5088 and 5089 of 2013 decided on 2nd July 2013

5 2007(6) ALL MR 827

6 In FA No.1310 of 2005 and other connected First Appeals decided on 2nd and 6th July 2015

market value of the acquired land for the village Wadghar notified on 24th September 1984 under Sub-section (1) of Section 4 of the said Act for the same public purpose at Rs.1,725/- per sq. meter. Thus, this Court has noted the upward trend of the market value from 3rd February 1970 till 24th September 1986 due to overall growth in the city of Navi Mumbai from 1970 onwards.

8. Thus, as far as the villages Wadghar and Roadpali are concerned, the market value increased 69 times between 3rd February 1970 and 24th September 1986 due to overall growth in the area of Navi Mumbai in terms of the industrial, commercial as well as residential activities. There was enormous growth due to the construction of large number of housing complexes, commercial complexes and industries.

9. As a result of en-block acquisition commencing from 3rd February 1970, there were hardly any private sale transactions from 3rd February 1970 in area of Navi Mumbai till 24th September 1986. The transactions were in the form of leases executed by the CIDCO (which is the New Town Development Authority for Navi Mumbai) in respect of the plots developed by the CIDCO. It is on this background that the exercise of determining the market value will have to be undertaken.

10. Since we have made a reference to the decision of this Court in the case of *State of Maharashtra v. Shankar Vitthal Gulave and other connected matters*, it will be necessary to make a reference to the said decision especially the observations made in Paragraph 27 thereof which reads thus:-

“27 The scenario which emerges from the aforesaid discussion can be summarized as under :

- (I) The first phase of acquisition commenced for the New Bombay Project on the basis of the notification dated 3rd February 1970. The acquisition extended to the vast tracts of lands in 96 villages in Taluka Panvel, District Raigad and Taluka Thane, District Thane including the villages Wadghar and Roadpali;
- (II) Thereafter, phase wise development commenced for setting up the city of New Bombay;
- (III) The second major acquisition in respect of the lands in villages out of 96 villages was commenced under the notification dated 24th September 1986;
- (IV) As observed by the Apex Court in the case of Avinashi Dhavaji Naik, there is a possibility of the price of lands sky rocketing considering the work of development and potentiality;
- (V) In the case of Sabhia Mohammed Yusuf Abdul Hamid Mulla (since deceased through Lrs.), the Apex Court quoted with approval the observations made by this Court in the case of Nama Padu Hudar that industrial growth in and around the area started in rapid strides from the year 1965 onwards and it increased by leaps and bounds;
- (VI) The Apex Court in the case of Ambaji Dharma Pardeshi and others held that the market value of

the lands in village Wadghar acquired on the basis of the notification dated 3rd February 1970 was the same as the market value of the lands at village Roadpali notified on 3rd February 1970. As stated earlier, in both the villages, there was acquisition during the subsequent phase on the basis of the notification dated 24th September 1986.

(VII) As far as the village Roadpali is concerned, the decision of the Division Bench of this Court in the case of State of Maharashtra Vs. Tribak Joma Thakur (deceased through Lrs.) which holds that the market value of the lands at village Roadpali as on 24th September 1986 was Rs.1725/has become final as of today;

(VIII) The market value of the lands in village Wadghar and Roadpali acquired for New Bombay project as of 24th September 1986 will be more or less the same considering the test applied by the Apex Court in the case of Ambaji Dharma Pardeshi by determining the market value of the acquired lands at village Wadghar on the basis of the market value of the lands at village Roadpali in case of the acquisition based on 3rd February 1970 notification.”

11. As regards the location of the village Wadghar, Taluka – Panvel, District – Raigad, the Division Bench found that the village Wadghar is shown in the residential area in the development plan of City of Navi Mumbai which was very close to Municipal town of Panvel and in fact, it was held that the village Wadghar was separated from the boundary of Panvel Municipal area only by a river. As stated earlier, this Court granted market value at the rate of Rs.1,725/- per sq. meter in respect of the lands in the village Wadghar which was notified for the same public purpose from 24th September 1986.

12. In the decision in the case of *State of Maharashtra v. Nakul Govind Patil and Others*⁷, this Court fixed the market value of the acquired lands situated in village Koli-kopar, Taluka Panvel, District Raigad which were notified under the same notification dated 24th September 1986 for same public purpose. The village Koli-Kopar is situated away from the Panvel Municipal limits as compared to the village Wadghar. In fact, in the said decision, this Court observed that the village Wadghar which was adjacent to the village Koli-Kopar was situated in between the village Koli-Kopar and the limits of Panvel Municipal Council. Considering some of the negative factors such as lack of development and the longer distance from the Panvel Town, this Court fixed the market value of the land at the village Koli-Kopar on the basis of the market value of the lands at village Wadghar by making 20% deduction. After deducting 20% from the amount of Rs.1,725/- sq. meter, the market value was fixed at Rs.1,380/- per sq. meters.

13. Now we turn to the evidence of the witnesses examined in the cases in hand as regards the location of the acquired lands and its positive and negative factors. In the Land Acquisition Reference No.214 of 1990, the Claimant Shri Changu Kana Thakur was examined. He deposed that the villagers of Bambavi were depending upon the Panvel for major facilities and for minor facilities on the village Vahal. He

⁷ In FA No.112 of 2009 and other connected First Appeals decided on 27th August 2015

stated that in the village Bambavi, the school are only up to the 7th standard and the facility of higher education is available at the village Pargaon. He stated that the facility of education in the colleges is available only at Panvel. In the cross-examination, he admitted that the Konkan Bhavan in the Central Business District in Navi Mumbai is 4 to 5 kms away. He admitted in the cross-examination that the creek water of Sonkhar passes by the side of village Bambavi through the channels.

14. The Claimants examined Smt. Majiri Avinash Joshi, an expert Valuer. She deposed that there was no industrial, commercial and residential development in the village itself. It is stated that under the development plan, a part of the village Bambavi is shown in the garden zone and a part of it is shown in the residential zone. She admitted that like the village Bambavi, the villages Sonkhar, Ulwe, Vahal and Kharkopar are on the banks of creek. She deposed that she tried to search the sale instances in the office of the Registrar, but she could not get any sale instances. In her valuation report, she relied upon two sale instances. The first one was in respect of the lease for a period of 60 years executed by the CIDCO at the premium of Rs.1,873.28 per sq. meter. The second sale instance was of a lease in respect of the Plot No.5 admeasuring 1466.384 sq. meters executed by the CIDCO in favour of M/s. Shakti Construction Company at the premium of Rs.2,727/- per sq. meters for 60 years. She admitted in the

cross-examination that the acquired land was undeveloped and landlocked.

15. In the Land Acquisition Reference No.255 of 1990, the same Claimant Shri Changu Kana Thakur deposed on the same lines of his deposition in the LAR No.214 of 1990. The said Claimant in Paragraph 5 of his deposition stated that all the lands are salty lands. Even the same Valuer Smt. Manjiri Joshi was examined in this Reference. The Valuer admitted that she did not find industrial, commercial and residential development in the village Bambavi. She admitted that the acquired land was landlocked.

16. In the Land Acquisition Reference No.214 of 1990 is the subject matter of the First Appeal No.403 of 2001. One Shri Motirm Gangaram Jadhav, the Assistant Marketing Officer of the CIDCO was examined. He placed on record a letter of allotment dated 30th December 1985 by the CIDCO to New Bombay Co-operative Commercial Complex (proposed) in respect of a commercial Plot No.43 admeasuring 4000 sq. meters at CBD Belapur. He also produced in evidence the Agreement to Lease dated 30th July 1986 between the said New Bombay Co-operative Commercial Complex Premises Society Limited and the said CIDCO. The witness also produced a copy of the letter of allotment of the commercial Plot No.38 admeasuring 4,000 sq.

meters in the Central Business District, Belapur to Premraj Developer Private Limited as well as a copy of lease agreement in respect of the said plot. He also produced a copy of the letter of allotment dated 16th October 1984 allotting a plot of land admeasuring 420.00 sq. meter at Kalamboli for setting up a Weigh Bridge. We have perused the documents produced by the said witness. The said instances are in relation to the developed plots at the Central Business District, Belapur at Navi Mumbai and a developed plot at Kalamboli. The village Kalamboli is far away from the village Bambavi. As far as the Central Business District at Belapur is concerned, it is again away from the acquired lands (more than 4 Kms) and as indicated by its name, it is in a very prime locality of Business Activity in Navi Mumbai. These are the instances of the layout plots in the layouts developed by the CIDCO. These are the instances of lease in respect of the prime plots for a period of 60 years for commercial and residential activities.

17. As seen from the evidence on record, in these Appeals, we are dealing with the undeveloped and landlocked agricultural lands. There are several negative factors associated with the acquired lands. Firstly the acquired lands are situated in the village Bambavi which is situated far away from any developed area. Secondly, there was no growth in the village Bambavi and even facility of High School education was not available in the village. The said village had a school

only up to the 7th standard. Thirdly, the acquired lands subject matter of both the First Appeals are landlocked and are undeveloped. Fourthly, there was no residential, commercial and industrial development in the village Bambavi. Therefore, the instances of the Agreements of Leases relied upon by the Claimants executed by the CIDCO in respect of the developed plots in well developed areas like Central Business District and Kalamboli wherein there was a wholesale steel market, will have to be kept out of consideration as the lands subject matter of the said sale instances are not comparable lands.

18. We have perused the development plan of Navi Mumbai published by the CIDCO with the consent of both the parties. As stated by the Valuer Smt. Manjiri Joshi, the acquired lands were at the distance of 5 to 6 kms away from Panvel City, 6.08 kms away from the Bombay Pune Highway, 4.8 kms away from the Central Business District, 7.36 kms away from the Jawahar Industrial Estate, Kamothe, 8.32 kms away from Kalamboli Steel Market and 10.5 kms away from Navade Industrial Estate. The development plan shows that a part of the village Bambavi is shown as a residential zone and a part of it is shown as a garden zone. As admitted by the witness of the Claimants, creek water of Sonkhar passes by the side of the village through a channel. Immediately abutting the village Bambavi on the northern side is the village Ulwe. The village Ulwe in between the village

Targhar and the village Bambavi. The village Targhar is on the Northern side of village Ulwe. A part of the village Ulwe appears to be reserved for commercial zone and a substantial part is reserved for residential zone. We may state here that the lands in the village Targhar were notified for the same public purpose under Sub-section (1) of Section 4 of the said Act on 3rd February 1970. By the judgment and order dated 18th December 2003 in the case of **Smt.Yamunabai Dhavji Naik and another v. State of Maharashtra (First Appeal No.111 of 1996)** and other connected matters, the market value of the lands in the village Targhar as of 4th February 1970 was fixed by the learned Single Judge at Rs.15/- per sq. meter. As far as the lands in the village Ulwe notified on 3rd February 1970 are concerned, in the case of **Damodar Janu Patil v. State of Maharashtra, First Appeal No.83 of 1992** and other connected Appeals decided on 12th April 2015, the market value of the acquired lands at village Ulwe was fixed at Rs.12/- per sq. meter.

19. Both the Claimants deposed that there were no private sales of lands in the village Bambavi or adjacent villages due to the en-block acquisition. It is not the case of the State Government that there was such transaction available. As stated earlier, the village Ulwe is on the boundary of the village Bambavi on its northern side. The market value of Rs.12/- per sq. meter fixed in respect of the acquired lands at Ulwe notified under Sub-section (1) of Section 4 of the said Act on 3rd

February 1970 has been fixed by this Court. The decision of this Court has attained finality. As stated earlier, in case of villages Roadpali and Wadghar, the market value fixed as of 4th February 1970 was Rs.25/- per sq. meter which is increased to Rs.1,725/- per sq. meter as on 24th September 1986. As stated earlier, the market value of the land in the village Bambavi can be reasonably determined on the basis of the market value of the lands in the adjoining village fixed at Rs.12/- per sq. meter as on 3rd February 1970. Therefore, the market value of the lands in village Bambavi can be taken at Rs.12 per sq.meter as on 3rd February 1970. By adopting the formula which is applicable to the villages Wadghar and Roadpali, if the market value of the lands at village Bambavi as of 3rd February 1970 is taken at Rs.12/- per sq. meter, the market value of the lands at village Bambavi on 24th September 1984 will be at Rs.828/- per sq. meter. However, the lands subject matter of these two Appeals were landlocked on the relevant date. Considering this very crucial negative factor, atleast 25% deduction will have to be made from Rs.828/- per sq. meter for arriving at the market value of the said acquired lands in the village Bambavi. After deducting 25%, the market value of the acquired lands comes to Rs.621/- which is rounded off to Rs.620/- per sq. meter.

20. Accordingly, the First Appeals preferred by the State Government must fail and the Cross-Objections filed by the Claimants

will have to be allowed. There is no dispute regarding the grant of statutory benefits under Sections 23(1-A), 23(2) and 28 of the said Act.

21. Accordingly, we dispose of the First Appeals and the Cross-Objections by passing the following order:

ORDER :

- (a) First Appeal Nos.403 of 2001 and 404 of 2001 are dismissed with no order as to costs;
- (b) The Cross-Objections Stamp Nos.33473 of 2001 and 22802 of 2010 are partly allowed with proportionate costs throughout;
- (c) The market value of the acquired lands is fixed at the rate of Rs.620/- per sq. meter;
- (d) In addition to the market value, the Claimants shall be entitled to the statutory benefits under Sections 23(1-A), 23(2) and 28 of the Land Acquisition Act, 1894;
- (e) The determination of the compensation amount payable in terms of the modified awards shall be

made by the Reference Court within a period of four months from the date on which the writ of this judgment and order is received by the said Court;

- (f) The parties shall be heard before determining the compensation as per the modified awards;
- (g) After the total compensation payable is determined by the Reference Court, the additional compensation shall be deposited by the State Government in the Reference Court within a period of three months from the date on which the determination of the compensation is made;
- (h) The writ of this judgment and order and the record and proceedings of the Reference Court be immediately sent to the Reference Court;
- (i) The Civil Application Nos.220 of 2002, 3647 of 2010 do not survive and the same are disposed of.